

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Robert Lynn Darnell,)	C/A No.: 1:12-1277-TMC-SVH
)	
Petitioner,)	
)	
vs.)	ORDER
)	
Warden, Lieber Correctional Institution,)	
)	
Respondent.)	
)	

Plaintiff, proceeding pro se and in forma pauperis, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Defendant filed a motion for summary judgment on January 28, 2013. [Entry #28]. As Plaintiff is proceeding pro se, the court entered an order on January 29, 2013, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion for summary judgment and of the need for him to file an adequate response. [Entry #30]. Plaintiff was specifically advised that if he failed to respond adequately, Defendant's motion may be granted.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a response to Defendant's motion for summary judgment by March 22, 2013. Plaintiff is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Shiva V. Hodges". The signature is written in a cursive, flowing style.

March 8, 2013
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge